



STATE OF NEVADA

**BEFORE THE NEVADA COMMISSION ON ETHICS**

**In the Matter of the Request for Opinion  
Concerning the Conduct of LYNETTE BOGGS,  
former Member, Board of Commissioners,  
Clark County, State of Nevada.**

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**Request for  
Opinion No. 06-70**

**NOTICE OF HEARING  
and  
PANEL DETERMINATION REGARDING JUST AND SUFFICIENT CAUSE**  
NRS 281A.440.3,.8 and NAC 281.197

**NOTICE OF HEARING**

PLEASE TAKE NOTICE, that a hearing has been set to consider the allegations listed below against Lynette Boggs (Boggs) in accordance with Chapters 233B and 281A of the Nevada Revised Statutes and Chapter 281 of the Nevada Administrative Code.

**THE HEARING WILL TAKE PLACE:**

**APRIL 10, 2008 beginning at 9:30 a.m., or as soon thereafter as the  
Commission is able to hear the matter, at the following location:  
GRANT SAWYER STATE BUILDING, 555 E. WASHINGTON AVENUE,  
ROOM 4412, LAS VEGAS, NEVADA 89101 with a video-conference link to  
NEVADA LEGISLATIVE BUILDING, 401 S. CARSON STREET, ROOM  
3137, CARSON CITY, NEVADA 89701.**

Because your hearing may be one of several hearings scheduled at the same time as part of a regular meeting of the Commission, your matter may be continued until later in the day or from day to day (if hearing is scheduled for more than one day). It is your responsibility to be present when your matter is called. If you are not present when your hearing is called the Commission may consider as true the alleged violations specified in the panel determination. Please direct any hearing scheduling matters to Patricia D. Cafferata, Executive Director, Esq., (775) 687-5469 ext. 222.

**YOUR RIGHTS AT THE HEARING:** the hearing is an open meeting under Nevada's open meeting law, and may be attended by the public. A verbatim record will be made by a certified

court reporter. You are entitled to a copy of the transcript of your hearing, although you must pay for the transcription.

You are specifically informed that you have the right to appear, hear evidence presented to the Commission and to respond and present evidence on your behalf. You may be represented by legal counsel. At the hearing, a finding by the Commission that you have violated any provision of NRS Chapter 281A must be supported by a preponderance of the evidence.

You have the right to request that the Commission issue subpoenas on your behalf to compel witnesses to testify and/or produce evidence. In making this request, you may be required to demonstrate the relevance of the witness' testimony and/or evidence. Other important rights you have are found in NRS 281A, NRS 233B, and NAC 281.005 through 281.242.

### **PENALTIES AUTHORIZED**

The purpose of the hearing is to determine whether, by preponderance of the evidence, Boggs has violated the provisions listed below of the Nevada Ethics in Government Law. Further, if any violation(s) is found, and whether such violation(s) is found to be willful then, whether penalties, if any, will be imposed by the Commission pursuant to NRS 281A.480.

### **JURISDICTION**

In her capacity as former member of the Clark County Board of County Commissioners, Boggs is a former public officer as defined by NRS 281A.160. As such, the Nevada Commission on Ethics has jurisdiction over this matter pursuant to NRS 281A.280 and NRS 281A.440.2(b).

### **FACTUAL ALLEGATIONS**

The Request for Opinion (Complaint) alleges violations by Boggs of the Ethics in Government Law (NRS 281A) relating to the purchase of a parcel of real estate in Arizona from *Flannery & Allen, LLC*, (Lori Mardian, Leonard Mardian, and Susan Mardian (Mardian)) using a \$100,000 loan and a \$25,000 buyer credit (loan and buyer credit) both from *Flannery & Allen, LLC*.

Boggs allegedly violated:

- NRS 281A.420.2 when she voted, after receiving the loan and buyer credit, on a matter involving a business owned by Mardian.
- NRS 281A.420.4 when she failed to disclose information regarding the property purchase and loan and buyer credit at the time a matter involving Mardian came before the Clark County Commission.
- NRS 281A.620.1(d), (e) and (f) when she failed to disclose on her Financial Disclosure Statement filings of January 14 and May 22, 2006 and January 18, 2007, the loan and buyer credit and list LSAR, LLC, a business in which Boggs is an officer.

### **PANEL DETERMINATION**

On January 10 and March 13, 2008, pursuant to NRS 281A.440.3, a Panel of Commissioners consisting of Commissioners Jim Kosinski and Rick Hsu (Panel) reviewed the following: Complaint; Executive Director's Report and Recommendation Regarding Just and Sufficient Cause and Supplemental Report dated January 4 and February 6, 2008, respectively.

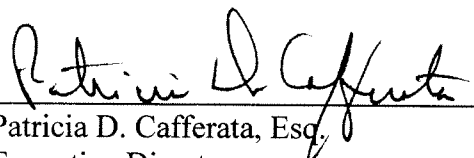
At the January 10, 2008 Panel proceeding, the Panel found no just and sufficient cause exists for the Commission to hold a hearing and render an opinion on the allegations that Boggs violated NRS 281A.420.2 and NRS 281A.420.4. Therefore, these allegations were **dismissed**.

At the January 10, 2008 Panel proceeding, the Panel requested further investigation on the remaining allegations and at the March 13<sup>th</sup> Panel proceeding, the Panel found that just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on the allegations that Boggs violated NRS 281A.620.1(d) and (e). Therefore, these allegations are **dismissed**.

Further, the Commission found that **just and sufficient cause exists** for the Commission to hold a hearing and render an opinion regarding whether Boggs violated NRS 281A.620.1(f) when she allegedly failed to list LSAR, LLC, on her Financial Disclosure Statements.

The Request for Opinion is, therefore, REFERRED TO THE NEVADA COMMISSION ON ETHICS for hearing.

Dated: March 19, 2008

  
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Patricia D. Cafferata, Esq.  
Executive Director

## CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day \_\_\_\_\_, Nevada, I placed a true and correct copy of the **NOTICE OF HEARING AND PANEL DETERMINATION REGARDING JUST AND SUFFICIENT CAUSE ON RFO No. 06-70** in an envelope and caused same to be mailed via \_\_\_\_\_ to the following address:

JOHN H. MOWBRAY, ESQ.  
C/O LYNETTE BOGGS  
FENNEMORE & CRAIG, P.C.  
300 S. FOURTH STREET, SUITE 1400  
LAS VEGAS, NV 89101

**Cert. No.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
An employee, Nevada Commission on Ethics